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DEPARTMENT OF NATURAL RESOURCES DIVISION OF WATER RIGHTS

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WATER RIGHTS
CEDAR CITY

January 31, 1991

Mr. Harry A. Haycock
Senior Vice President
Utah Power and Light Company
P.O. Box 26128
Salt Lake City, UT 84126-0128

Dear Mr. Haycock:

As you are aware, the Division of Water Rights has been working very closely with Jody Williams and Carly Burton, together with your staff that maintains and supervises the Veyo, Sand Cove and Gunlock hydroelectric facilities. Numerous complaints have been received in the past and have been brought to your attention in correspondence from this office. As you are well aware, I have received some conflicting reports and data concerning the water delivery and the practice of Utah Power and Light Company, as well as the consumptive use diverters. Therefore, in December I walked much of the Santa Clara system above the Sand Cove Reservoir to personally observe the situation.

Based on my observation and review of the water rights for the Santa Clara system, as well as the input and data from Utah Power and Light and the various water users, the following Final Order is issued concerning operation of the hydroelectric facilities. This letter serves as a Final Order in response to the Request for Reconsideration dated June 13, 1990.

1. Utah Power and Light Company shall install three measuring devices as indicated in your letter of October 16, 1990. They will be installed at the following locations: 1) diversion point above Baker Reservoir; 2) in the Veyo Irrigation Company ditch upstream from the Veyo hydroelectric plant; and 3) at the delivery point into the Upper Sand Cove Reservoir. Siting of the locations for the measuring devices shall be coordinated with the river commissioner and the Division of Water Rights area office in Cedar City. Such devices shall be in place by March 1, 1991.
2. Diversions into the power canals, i.e., above Baker Reservoir to the Veyo Plant and Veyo Plant to Upper Sand Cove Reservoir, shall be limited to 10 cfs for power generation purposes. Each power canal will be considered individually, and should measurements indicate that losses exceed 15% of the diverted

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amount, the commissioner will notify Utah Power and Light and the diversion will be stopped. After maintenance is performed, a five-day test of the improved canal will be performed. Should the results indicate that losses can be held below 15%, operation can continue. The same test will be required for diversions in excess of 10 cfs. If diversions above 10 cfs are allowed and measurements indicate losses in excess of 15%, the commissioner will notify Utah Power and Light and limit the flow to 10 cfs. If measurements demonstrate that diversions in excess of 10 cfs can be made in either canal with losses not exceeding 15%, diversions in excess of 10 cfs will be allowed.

3. Demonstration of compliance with the loss criteria shall be evidenced by a plan for continued maintenance of the power canals.
4. The Division of Water Rights will also take into consideration accretions back to the natural stream from losses in the canal for the power canal from above Baker Reservoir to the Veyo Plant if they can be substantiated by appropriate measurement.
5. The four irrigation headgates necessary to take water from the Veyo Irrigation Company shall be replaced or repaired so that accurate measurements of these diversions can be made. Such work shall be completed on or before March 1, 1991.
6. Data shall be gathered and submitted to the Division of Water Rights concerning capacities and operation of the Upper Sand Cove and Lower Sand Cove reservoirs such that accurate water delivery information can be determined and flows returning to the Santa Clara River can be compared to those diverted upstream.
7. All information gathered from the installation of the monitoring devices shall be submitted to the Division of Water Rights, as well as to the river commissioner. In addition, the river commissioner should be provided with the necessary access so that he may observe these measurements.

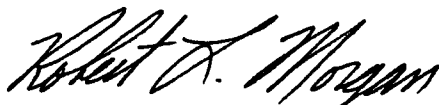
It is my opinion that significant losses to the system start to occur above 10 cfs, and this is the reasoning behind the diversion limitation. The burden of proof that minimal losses can be sustained through the improvements to the system must be demonstrated to the Division of Water Rights, as previously mentioned in paragraph 2, and adjustments can be made accordingly.

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While this is a Final Order, this office retains the right to review the continued operation and maintenance of the system and to make appropriate modifications to this Order as circumstances may dictate.

This Final Order is subject to the provisions of Rule R625-6-18 of the Division of Water Rights and to Sections 63-46b-14 and 73-3-14 of the Utah Code which provide for the filing of an appeal with the appropriate District Court. A court appeal must be filed within 30 days after the date of this Final Order.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

/gm

cc: Baker Reservoir Association
Bloomington Canal Company
Ivins Irrigation Company
St. George/Clara Field Canal Company
Gunlock Irrigation Company
Lower Gunlock Reservoir Association
Santa Clara Field Canal Company
Veyo Irrigation Company
Santa Clara Seep Ditch Company
Reed Mathis
Shivwits Tribe
Rod Leavitt, Commissioner
Scott Johnson, Pacific Power & Light
Gary Nyberg, Utah Power & Light
Jody Williams, UP&L
Carly Burton, UP&L
Michael M. Quealy, Assistant Attorney General
John Mabey, Assistant Attorney General
Lee Sim, Distribution Engineer
Gerald Stoker, Area Engineer